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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/563,709	SCHMIDT, JURGEN
Office Action Summary	Examiner	Art Unit	
	MOHAMMAD N. RAHMAN	2161	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 February 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed on February 25, 2008 has been entered. **Claims 1, 2 and 8**

have been amended. **Claims 11 and 12** are newly added. **Claims 1-12** are pending in

this office action.

2.   Applicants amendment overcomes the 35 USC § 112 rejection.

3.   Regarding 35 USC § 101, Applicant's response has overcome the rejections.

Claim Rejection – 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

5.   **Claims 1-7 and 11** are rejected under 35 U.S.C. 102 (b) as being anticipated by

Fujinami (U.S. Patent Number: 5,502,573), herein referred to as Fujinami.

       As to claim 1, Fujinami teaches, Method for decoding a data stream, containing

a first and a second substream (col.1 and lines 53-57), the first substream containing

first and second multimedia data packets and the second substream containing control

information (col. 3 and lines 12-14), wherein the multimedia data packets contain an

indication of the time when to be presented and are decoded prior to their indicated

presentation time, the method comprising the steps of:

(Fujinami teaches, "The video buffer also is connected to a

video decoder which decodes the video data temporarily stored in

the video buffer, the operation of the video decoder being

controlled as a function of a comparison between the generated

timing data and the extracted video time data (abstract, lines

11-16)" and "the video and audio data are demultiplexed from the

pack illustrated in FIG. 7, and supplied to respective video and

audio decoders (col.1 and lines 56-58)", which clearly describes

that the buffer contains the multimedia data packets and the data

stream is being decoded within a specific time.)

- "extracting from said control information of the second substream first, second
  and third control data" at col. 3 and lines 12-14;

(Fujinami teaches, "The video buffer also is connected to a video

decoder which decodes the video data temporarily stored in the

video buffer, the operation of the video decoder being controlled

as a function of a comparison between the generated timing data

and the extracted video time data (abstract, lines 11-16)" and

"the video and audio data are demultiplexed from the pack

illustrated in FIG. 7, and supplied to respective video and audio

decoders (col.1 and lines 56-58)", which clearly describes that

the buffer contains the multimedia data packets and the data

stream is being decoded within a specific time.

Fujinami also teaches, "a control circuit 28, which may be a
central processing unit, coupled to data separator 21 to supply
various control command signals thereto", which interprets that
the buffer contains the control information and the control
circuit processes control data.)

- "wherein the first control data are suitable for defining the allocated buffer size to be allocated" at col. 2 and lines 28-32;

(Fujinami teaches, "the error corrected digital data then is
supplied to ring buffer 4 which stores such data until a
predetermined amount is accumulated" which defines that for
allocating control data, the buffer size is predetermined)

- "the second control data are suitable for defining one or more second multimedia data packets to be buffered" at col. 12 and lines 50-54;

(Fujinami teaches, "the video decoder skips to the next unit of
video data to be loaded into video buffer 6A" which interprets
that the video decoder identifies, appends and loads the data
packets.)

- "and the third control data are suitable for defining a mode for buffering the second multimedia data packets" at col. 1 and lines 28-35.

(Fujinami teaches, "a system clock reference SCR follows the PACK

START CODE and represents a time code corresponding to the time

at which the pack was recorded", since the control data contains,

data packets that includes start and stop load time.)

- "allocating, in a buffer, buffer size according to the first control data (Length)" at
  col. 2 and lines 28-32;

(Fujinami teaches, "the error corrected digital data then is

supplied to ring buffer 4 which stores such data until a

predetermined amount is accumulated" which defines that for

allocating control data, the buffer size is predetermined.)

- "storing the first decoded multimedia data packets in the buffer" at col. 2 and
  lines 28-32;

(Fujinami teaches, "the error corrected digital data then is

supplied to ring buffer 4 which stores such data until a

predetermined amount is accumulated" which defines that for

allocating control data, the buffer size is predetermined and the

multimedia data packets are being stored.)

- "and storing one or more multimedia data packets according to the second
  control data in the buffer, wherein depending on the third control data either the
  second multimedia data packets are appended to the first decoded multimedia
  data packets in the buffer, or replace some or all of the first decoded multimedia

data packets in the buffer" at "abstract" and col. 2 and lines 28-32 and col.13 and

lines 28-41 and col.15 and lines 7-13.

(Fujinami teaches, see "abstract", and "the error corrected

digital data then is supplied to ring buffer 4 which stores such

data until a predetermined amount is accumulated" at col. 2 and

lines 28-32 and "Such presentation time stamp data may be

disposed in some, although not necessarily all, packet headers

to represent the time at which the video or audio unit in that

packet should be displayed" at col.13 and lines 28-41 and "while

decoder 7 waits to decode the video data in the next picture

interval from video buffer 6A, the video picture that had been

previously supplied as an output video signal from the video

decoder, namely picture P12, is repeatedly supplied as the

output video signal, as shown in FIG. 5D" at col.15 and lines 7-

13, which interprets that the multimedia data packets are stored

in a buffer according to the control data and the decoded data

packets are being synchronized and annexed with other

corresponding data packets.)

As to claim 2, Fujinami teaches, " method according to claim 1, wherein the

second control data defines one of a plurality of operation modes, wherein in a first

mode buffering of multimedia data packets is performed when the value of the first

control data changes, and in a second and third mode the second control data are valid

for specifying the multimedia data packets to be buffered, wherein in the second mode the multimedia data packets replace the buffer contents and in the third mode the multimedia data packets are appended to the buffer contents" at col. 1 and lines 46-67 and col. 2 and lines 1-2 .

As to claim 3, Fujinami teaches, " method according to claim 2, wherein the third mode has two variations, wherein in the first variation the buffering of multimedia data packets stops when the buffer is full, and in the second variation previously buffered data may be overwritten when the buffer is full" at col. 3 and lines 33-43 and col. 3 and lines 43-53.

As to claim 4, Fujinami teaches, " method according to claim 1, wherein the method is utilized in an instance of a processing node and wherein the first control data (Length) defines the allocated buffer size at node creation time" at col. 8 and lines 26-50.

As to claim 5, Fujinami teaches, " method according to claim 1, wherein labels are attached to the buffered first and other multimedia data packets, and the packets may be accessed through their respective label" at col. 1 and lines 46-53.

As to claim 6, Fujinami teaches, "method according to the claim 5, wherein a label attached to the buffered data packets contains an index relative to the latest received data packet" at col. 1 and lines 46-60.

As to claim 7, Fujinami teaches, "method according to claim 1, wherein the first

substream contains audio data and the second substream contains a description of the

presentation" at col. 1 and lines 43-46.

As to claim 11, Fujinami teaches, "method according to claim 1, wherein

replacing the stored first decoded multimedia packets with the second multimedia data

packets further comprises the step of clearing the buffer before storing the second

multimedia data packets" at col.6 and lines 44-49, "video data temporarily stored in the

buffer".

Claim Rejection – 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United
States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the
United States before the invention by the applicant for patent, except that an international application filed under the treaty
defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if
the international application designated the United States and was published under Article 21(2) of such treaty in the English
language.

8.   **Claims 8-10 and 12** are rejected under 35 U.S.C. 102 (e) as being anticipated by

Jebb et al. (U.S. Application Publication No. 2005/0120038 A1), herein referred to as

Jebb.

As to claim 8, Jebb teaches, " apparatus for decoding a data stream, the data

stream containing a first and a second substream, the first substream containing first

and second multimedia data packets and the second substream containing control

information, wherein the multimedia data packets contain an indication of the time when

to be presented and are decoded prior to their indicated presentation time, and wherein

the first and second multimedia data packets are buffered, comprising buffering means

for said buffering of the first and the second multimedia data packets," at paragraph

[0052], lines 1-10 and paragraph [0077], lines 1-6;

(Jebb teaches, "this will allow the client 40 to start decoding

and presenting media to the user immediately at the point that

data is received and decoded (paragraph [0052], lines 1-10)" and

"buffered in the decoding buffer 41, it is necessary for decoding

of data to be correctly timed (paragraph [0077], lines 1-6)" which

clearly describes that the buffer contains the multimedia data

packets and in a specific mode, the data stream is being decoded

within a respective time which also includes the prior time of

the presentation.)

- "means for extracting from said control information of the second substream first,
  second and third control data" at paragraph [0017], lines 1-7;

(Jebb teaches, "the data source including a plurality of encoded

data streams" which interprets that the plurality of the control

data is being extracted for streaming.)

- "Wherein the first control data are suitable for defining buffer size to be allocated" at paragraph [0009], lines 1-7;

(Jebb teaches, "video stream match the average available bandwidth the receiver buffer size", since the buffer contains the control data according to its size.)

- "the second control data are suitable for defining one or more second multimedia data packets to be buffered" at paragraph [0085], lines 1-8 , and

(Jebb teaches, "it must find a point in the intra stream, and start streaming from it", since the multimedia data in the packets are appended for streaming and the control data contains different mode of functions)

- the third control data are suitable for defining a mode for buffering the second multimedia data packets (at paragraph [0102], lines 1-8) .

(Jebb teaches, "the server also needs to know the timestamp of the data packet that the client is currently decoding and presenting" since in order to multimedia data packet to be buffered, the control data maintains a start and stop point of the loading time.)

- "means for allocating, in the buffer, buffer size according to the first control data";

(Jebb teaches, "the data source including a plurality of encoded

data streams" which interprets that the plurality of the control

data is being extracted for streaming and stores according to

size.)

- "means for storing the first decoded multimedia data packets in the buffer" at

  "abstract" and paragraph [0085], lines 1-8 ; and

(Jebb teaches, "A data structure for storing a data source for a

streaming system, the data source including a plurality of

encoded data streams" at "abstract" lines 1-4 and "it must find a

point in the intra stream, and start streaming from it" at

paragraph [0085], lines 1-8, since the multimedia data in the

stored multimedia data packets are appended for streaming and

the control data contains different mode of functions)

- "means for storing one or more multimedia data packets according to the second

  control data in the buffer, wherein depending on the third control data either the

  second multimedia data packets are appended to the first decoded multimedia

  data packets in the buffer, or replace some or all of the first decoded multimedia

  data packets in the buffer" at "abstract" and paragraph [0113], lines 1-5.

(Jebb teaches, "The pointers to the last stream data structure and

the last packet are useful when appending to a file" at

paragraph [0113], lines 1-5, which describes that according to

the control data, the multimedia data packets are being appended
or replaced in a buffer.)

As to claim 9, Jebb teaches, " apparatus according to claim 8, further

comprising means for attaching labels to the buffered multimedia data packets, and

means for accessing, retrieving or deleting the packets through their respective label" at

paragraph [0110], lines 2-8.

As to claim 10 Jebb teaches, "apparatus according to claim 8, wherein the data

stream is an MPEG-4 compliant data stream" at paragraph [0006], lines 1-4, paragraph

[0113], lines 1-5.

As to claim 12, Jebb teaches, "apparatus according to claim 8, wherein the

third control data defines one of a plurality of operation modes, wherein in a first mode

buffeting of multimedia data packets is performed when the value of the first control

data changes, and in a second and third mode the second control data are valid for

specifying the multimedia data packets to be buffered, wherein in the second mode the

multimedia data packets replace the buffer contents and in the third mode the

multimedia data packets are appended to the buffer contents" see at "abstract" and for

"append" see at paragraph [0113], lines 1-5, "packet are useful when appending to a

file" which describes that according to the control data, the multimedia data packets are

being appended or replaced in a buffer.

Response to Arguments

7.   Applicant's arguments filed February 25, 2008 have been fully considerer but
they are not persuasive. The examiner respectfully traverses applicants' argument.

   Claims 1-7 and 11 are rejected under 35 U.S.C. 102 (b) as being anticipated by
Fujinami (U.S. Patent Number: 5,502,573), herein referred to as Fujinami.

   Regarding claim 1, applicant's argument stated, "Fujinami neither discloses nor
suggests "extracting from said control information of the second substream first, second
and third control data". On the contrary Fujinami teaches, "the operation of the video
decoder being controlled as a function of a comparison" at "abstract" and "The output of
the video buffer is coupled to a video decoding time stamp extractor 30 which is
adapted to extract from the multiplexed video data temporarily stored in video buffer 6A"
at col.6 and lines 56-63, thus the control information contains multiple stream of data.

   Applicant's argument stated, "Fujinami neither discloses nor suggests "wherein
depending on the third control data either the second multimedia data packets are
appended to the first decoded multimedia data packets in the buffer, or replace some or
all of the first decoded multimedia data packets in the buffer" as recited in claim 1 of the
present invention". On the contrary Fujinami teaches, Fujinami teaches, see "abstract",
and "the error corrected digital data then is supplied to ring buffer 4 which stores such
data until a predetermined amount is accumulated" at col. 2 and lines 28-32 and "Such
presentation time stamp data may be disposed in some, although not necessarily all,
packet headers to represent the time at which the video or audio unit in that packet
should be displayed" at col.13 and lines 28-41 and "while decoder 7 waits to decode the

video data in the next picture interval from video buffer 6A, the video picture that had

been previously supplied as an output video signal from the video decoder, namely

picture P12, is repeatedly supplied as the output video signal, as shown in FIG. 5D" at

col.15 and lines 7-13, which interprets that the multimedia data packets are stored in a

buffer according to the control data and the decoded data packets are being

synchronized and annexed with other corresponding data packets.

      Regarding claim 2, applicant's argument stated, Fujinami neither discloses nor

suggests "wherein the third control data defines one of a plurality of operation modes,

wherein in a first mode buffeting of multimedia data packets is performed when the

value of the first control data changes, and in a second and third mode the second

control data are valid for specifying the multimedia data packets to be buffered, wherein

in the second mode the multimedia data packets replace the buffer contents and in the

third mode the multimedia data packets are appended to the buffer contents". On the

contrary Fujinami teaches, "Fujinami neither discloses nor suggests "wherein depending

on the third control data either the second multimedia data packets are appended to the

first decoded multimedia data packets in the buffer, or replace some or all of the first

decoded multimedia data packets in the buffer" as recited in claim 1 of the present

invention". On the contrary Fujinami teaches, see "abstract", and "the error corrected

digital data then is supplied to ring buffer 4 which stores such data until a predetermined

amount is accumulated" at col. 2 and lines 28-32 and "Such presentation time stamp

data may be disposed in some, although not necessarily all, packet headers to

represent the time at which the video or audio unit in that packet should be displayed" at

col.13 and lines 28-41 and "while decoder 7 waits to decode the video data in the next
picture interval from video buffer 6A, the video picture that had been previously supplied
as an output video signal from the video decoder, namely picture P12, is repeatedly
supplied as the output video signal, as shown in FIG. 5D" at col.15 and lines 7-13,
which interprets that the multimedia data packets are stored in a buffer according to the
control data and the decoded data packets are being synchronized and annexed with
other corresponding data packets. Also about "data packets" and "mode" see at col. 1
and lines 46-67 and col. 2 and lines 1-2.

  Regarding claim 4, applicant's argument stated, "Fujinami does not show
"instance of a processing node, wherein the first parameter defines the allocated buffer
size at node creation time", since the hardware implementation of Fujinami does not
have a "node creation time". On the contrary Fujinami teaches, "The video buffer also is
connected to a video decoder which decodes the video data temporarily stored in the
video buffer, the operation of the video decoder being controlled as a function of a
comparison between the generated timing data and the extracted video time data
(abstract, lines 11-16)" and "the video and audio data are demultiplexed from the pack
illustrated in FIG. 7, and supplied to respective video and audio decoders (col.1 and
lines 56-58)", which clearly describes that the buffer contains the multimedia data
packets and the data stream is being decoded within a specific time.

  Regarding claim 6, applicant's argument stated, Fujinami neither discloses nor
suggests "a label attached to the buffered data packets [that] contains an index relative
to the latest received data packet". On the contrary Fujinami teaches, "the VIDEO

PACKET START CODE is a video decoding time stamp (DTSV) which is a multi-bit number that identifies the time at which a video decoder initiates its operation to decode the video data" at col. 1 and lines 46-60, thus the data packets are identified.

Claims 8-10 and 12 are rejected under 35 U.S.C. 102 (e) as being anticipated by Jebb et al. (U.S. Application Publication No. 2005/0120038 A1), herein referred to as Jebb.

Regarding claim 8, applicant's argument stated, "Jebb neither discloses nor suggests "means for storing one or more multimedia data packets according to the second control data in the buffer, wherein depending on the third control data either the second multimedia data packets are appended to the first decoded multimedia data packets in the buffer, or replace some or all of the first decoded multimedia data packets in the buffer". On the contrary Jebb teaches, "The pointers to the last stream data structure and the last packet are useful when appending to a file" at paragraph [0113], lines 1-5, which describes that according to the control data, the multimedia data packets are being appended or replaced in a buffer.

In light of the foregoing arguments the 35 U.S.C. § 102 (b) rejections are hereby sustained.

Conclusion

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad N. Rahman whose telephone number is 571-270-1631. The examiner can normally be reached on 7:30am - 5:00 pm, Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu M can be reached on 572-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MR
AU 2161
06/20/2008

/K. B. P./

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161